

OCT 05 2004

**BEST AVAILABLE COPY**Customer No 000042131; Docket No. 121.002**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Asani, Karim

Serial No.: 09/523,789

Art Unit: 3624

Filed: March 13, 2000

Examiner: Waslychak, Steven R.

For: METHOD AND SYSTEM FOR SECURE FINANCIAL TRANSACTION IN  
ELECTRONIC COMMERCE

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Commissioner for Patents  
Box 1450, Alexandria, VA 22313-1450**RESPONSE Under 37CFR 1.112**

Sir:

In response to the Office Action dated July 16, 2004 Applicant files this amendment and arguments. The current Office Action is the seventh one issued during the prosecution of this case. The reference (Schwartz et al, U.S. Patent Application No. 2001/0044787A1, published on November 22, 2001, claiming priority on a Provisional Application No 60/176,390, filed January 13, 2000- "the '44787 application.") upon which the Action bases a Section 102(e) rejection was published on November 22, 2001, and applicant cannot understand why this reference was not raised in the previous several Office Actions since it was available.

Applicant submits herewith a copy of Schwartz et al's Provisional No 60/176,390 to demonstrate that this document does not contain any of the cited sections from Schwartz et al's Published application – the '44787 application that the Examiner relied

on. That is, new matter added to the '44787 application cannot properly claim priority on the Provisional No 60/176,390. See Exhibit 1.

Since the filing date of the '44787 application is December 14, 2000, it cannot be prior art for the present application which has the earlier filing date of March 13, 2000.

In any event, applicant has submitted herewith amendments and arguments to overcome the Schwartz et al reference, in the vent that this Examiner deems it to claim priority to its Provisional.

The July 16, 2004 Office Action has cited an additional twelve (12) references but has not based any substantive arguments based on these references. Applicant has noted these references but is not discussing them in detail because they were not discussed in this Office Action.

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